

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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ALTERRA AMERICA INSURANCE CO.,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

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Index No. 652813/2012 E

Hon. Andrea Masley

**STIPULATION AND  
[PROPOSED] ORDER FOR THE  
FILING OF REFEREE'S FIRST  
MEMORANDUM & ORDER  
REGARDING DISCLOSURE  
PROCEDURE**

DISCOVER PROPERTY & CASUALTY  
COMPANY, et al.,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

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Index No. 652933/2012 E

Hon. Andrea Masley

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel as follows:

WHEREAS, pursuant to CPLR 3104 and the Order Appointing Referee to Supervise Disclosure entered by the Court on May 1, 2018, the parties engaged in motion practice regarding disclosure in the above-captioned matters before Hon. Michael H. Dolinger (Ret.); and

WHEREAS, certain of the parties' motion papers contained information that has been designated Confidential Information under the Stipulation and Order for the Production and Exchange of Confidential Information entered by the Court on May 22, 2013 (the "Protective Order"), a true and correct copy of which is appended hereto as **Exhibit A**; and

WHEREAS, Referee Dolinger has issued a Memorandum & Order dated February 26, 2019, and provided it to the parties on February 28, 2019; and

WHEREAS, Referee Dolinger's Memorandum & Order discusses, in part, Confidential Information contained in the parties' motion papers; and

WHEREAS, the parties have conferred and are in agreement about which portions of the Referee's Memorandum & Order constitute Confidential Information; and

WHEREAS, the parties further agree that, good cause existing under New York law, including 22 N.Y.C.R.R. § 216.1, and consistent with paragraph 13(c) of the Protective Order, Referee Dolinger's Memorandum & Order should be filed on the public docket with certain limited redactions to avoid disclosure of Confidential Information; and

WHEREAS, by stipulation dated September 12, 2018, governing the process for disclosure disputes and approved by Referee Dolinger, the parties agreed that, if the parties concur about those portions of a decision issued by Referee Dolinger that should be redacted, they shall file a stipulation requesting permission to file a redacted version of the decision with the Court.

WHEREFORE, it is hereby stipulated and agreed by and between the undersigned counsel that:

1. Appended to this stipulation as **Exhibit B** is a true and correct copy of Referee Dolinger's Memorandum & Order, except that it contains limited redactions of Confidential Information consistent with paragraph 13(c) of the Protective Order, good cause under New York law, and the parties' agreement. The parties will provide the Court in chambers with a fully unredacted copy of Referee Dolinger's Memorandum & Order, consistent with the requirements of paragraph 13(c) of the Protective Order, by March 22, 2019.


2. Upon the entry of this stipulation by the Court, the National Football League and NFL Properties LLC ("NFL Parties") shall file the redacted version of Referee Dolinger's Memorandum & Order, as reflected by Exhibit B, as a stand-alone document on the public electronic docket, and the NFL Parties further shall file a fully unredacted version of Referee Dolinger's Memorandum & Order on the electronic docket under seal.

This stipulation may be executed in counterparts, each of which shall be deemed an original but all of which constitute one and the same agreement. Facsimile signatures, and those executed with the permission of counsel, shall have the same force and effect as originals.

Counsel for Defendants TIG Insurance Company, United States Fire Insurance Company, and The North River Insurance Company signs below on behalf of itself and states that it is authorized by counsel for all other Insurer Parties to affirm that those parties join in this stipulation.

Dated: March 20, 2019

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Fire Ins. Co., and The North River Ins. Co.*

DATED:

ENTERED: \_\_\_\_\_  
J.S.C.